



United States Department of Justice
Civil Division, Federal Programs Branch
Ben Franklin Station, P.O. Box 883
Washington, DC 20044

July 29, 2020

By ECF

The Honorable John G. Koeltl
Daniel Patrick Moynihan United States Courthouse
500 Pearl St., New York, NY 10007-1312

Re: Defendants' Letter Motion for Extension of Time to Respond to the Amended Complaint, *New York v. ED*, No. 20-cv-4260-JGK

Dear Judge Koeltl,

Defendants respectfully request an extension of the deadline to respond to Plaintiffs' June 18, 2020 Amended Complaint, ECF No. 13.¹ The deadline is currently August 4, 2020, *see* Fed. R. Civ. P. 12(a)(2), which Defendants would like extended to thirty days after the Court rules on Plaintiffs' Motion for a Preliminary Injunction, ECF No. 18. This is Defendants' first extension request.

Extending this deadline will benefit the Court and parties. Plaintiffs' June 25, 2020 Motion for a Preliminary Injunction is fully briefed, and the parties have extensively discussed Plaintiffs' likelihood of success on the merits. The Court's decision on that motion is therefore likely to inform how Defendants will respond to Plaintiffs' Amended Complaint. Yet, as currently scheduled—and even under Plaintiffs' proposed new deadline of August 19, 2020—Defendants would have to respond either before or shortly after the Court issues its decision. This is highly inefficient.

¹ Plaintiffs filed their original complaint on June 4, 2020. ECF No. 1.

Since Plaintiffs filed their Amended Complaint, Defendants have focused their time and resources on opposing Plaintiffs' Motion for a Preliminary Injunction here as well as similar motions in two other cases raising similar claims: *Pennsylvania v. DeVos*, No. 20-cv-1468 (D.D.C.), and *Victim Rights Law Center v. DeVos*, No. 20-cv-11104 (D. Mass.). Under these circumstances, it would be unnecessarily burdensome to require Defendants to file a response by August 4, 2020.

Everyone would benefit from a schedule that allows Defendants a reasonable amount of time to react to the Court's decision and file a response that is useful to the Court. And because Plaintiffs have already accelerated this litigation by filing their Motion for a Preliminary Injunction, they will not be prejudiced by this reasonable extension.

Plaintiffs do not consent to this request and communicated the following position to the undersigned: "We're unable to consent to the requested 30-day extension running from the date of Judge Koeltl's PI decision, but we would not oppose a more limited extension of 15 days from the current August 4 deadline, which would make the responsive pleading deadline August 19."

Respectfully submitted,

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